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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,398	06/12/2001	Patricia S. Kruse	10011067-1	7136

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EXAMINER

BYLCIW, STEPHEN R

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,398

Applicant(s)

KRUSE, PATRICIA S.

Examiner

Stephen Bylciw

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/12/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/13/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This non-final office action is in response to the application filed June 12, 2001.

Claims 1 through 8 are pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 through 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts of:
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Furthermore, mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

While claims 1 through 8 produce a useful, concrete, and tangible result, they are deemed to be statutory for failure to apply, involve, use, or advance the technological arts. In order to overcome this rejection, it is respectfully suggested that the claims be amended to expressly incorporate technology (i.e., a computer processor) as performing at least one of the steps of the invention (i.e., an analysis step). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 through 8 are rejected per 35 U.S.C. 102(b) as being anticipated by Leuf in "Outlook 2000 In A Nutshell" 1st edition published in May 2000 with an ISBN of 1-56592-704-4. Reference can be accessed via <http://proquest.safaribooksonline.com/1565927044/ch07-9-fm2xml>.

Regarding Claim 1, Leuf teaches a method for meeting scheduling/meeting room reservations, wherein said method is comprised of the steps of: determining a

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tentatively scheduled date, time and place to hold a meeting; concurrently contacting prospective meeting attendees and meeting places; concurrently determining if said meeting attendees can attend the tentatively scheduled meeting and if a desired meeting room is available; and reserving said desired meeting room for said scheduled meeting time and date (i.e., Leuf discloses fields for determining a meeting's tentatively scheduled date, time and place. Attendees and meeting places are contacted concurrently and availability is determined concurrently using the same form. The contact with attendees and meeting places are made using the "Send" icon and the availability is determined with the "Attendee Availability" icon in the same figure. In the "To" field a conference room and person's name are included as an example.). See Figure 7-24. Leuf further teaches that Outlook 2000 shows availability of conference rooms and people. See Figure 7-31.

Figure 7-24: Calendar's New Meeting Request Form

Quarterly Budget Review - Meeting

File Edit View Insert Format Tools Actions Help

Send Attendee Availability Recurrence... Cancel Invitation...

Appointment Attendee Availability Cancel Invitation

Invitations have not been sent for this meeting.
This appointment occurs in the past.

To: Conference Room: Leah Smith

Subject: Quarterly Budget Review

Location: Conference Room

This is an online meeting using: Microsoft Meeting

Start time: Fri 02/11/2000 09:00 All day event

End time: Fri 02/11/2000 14:00

Reminder: 15 minutes Show time as: Busy

Bring your division's quarterly budgets from last year
We'll break at 11:45 for lunch

Contacts... Categories... Private

Figure 7-31: The Plan a Meeting dialog

Plan a Meeting

Friday, February 11, 2000

Saturday, February 12, 2000

09:00 10:00 11:00 12:00 13:00 14:00 15:00 16:00 09:00

All Attendees

Matt Beland

Allison (Williams) Leary

Tom Swaid

Troy Mott

Conference Room

Invite Others... Options

Tentative Busy Out of Office No Information

<< AutoPick >>

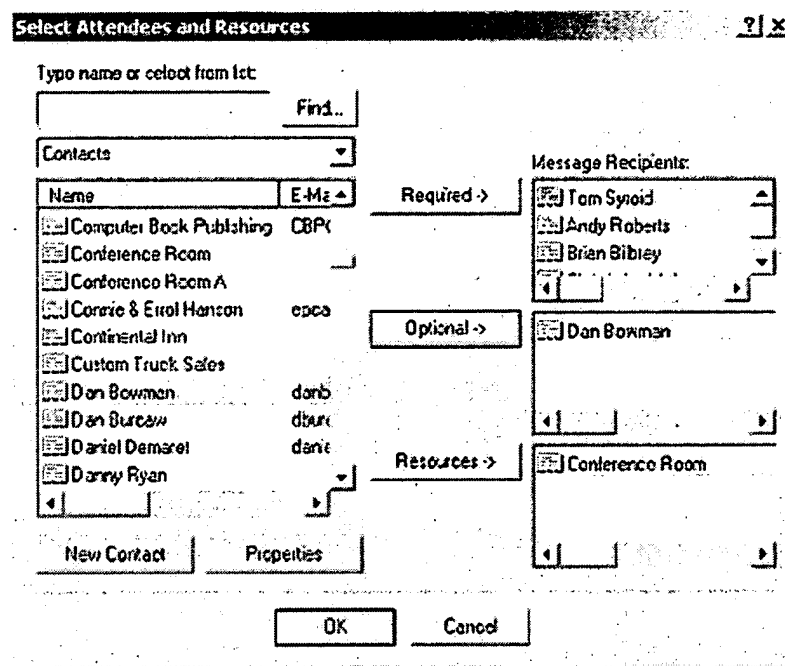
Meeting start time: Fri 02/11/2000 11:00

Meeting end time: Fri 02/11/2000 13:00

Make Meeting Close

Regarding Claim 2, Leuf teaches wherein said determining step is further comprised of the step of: determining a desired equipment to be used at said meeting (i.e., Leuf discloses resources can be invited to a meeting and states: "Resources are tools or facilities required to conduct a meeting. These might include a conference room, slide projectors, overhead projectors, whiteboards, etc."). See Leuf Sidebar 3 in Chapter 7.

Figure 7-25: Select Attendees and Resources dialog



Regarding Claim 3, Leuf teaches the method, as in Claim 1, wherein said concurrently contacting step is further comprised of step of: concurrently contacting an equipment facilities checklist (i.e., Leuf provides a representative image of a dialog box that includes a list of candidate names to be meeting attendees. A checklist of required and optional attendees as well as resources could be created in the three message recipient fields at the right of the form as the form is completed by the user). See Figure 7-25.

Regarding Claim 4 through 6, wherein Leuf teaches that the concurrently determining step is further comprised of step of: concurrently determining if said desired equipment will be available, concurrently contacting designating said meeting place as an attendee, and designating said desired equipment as an attendee (i.e., Leuf

discloses, "Resources are tools or facilities required to conduct a meeting. These might include a conference room, slide projectors, overhead projectors, whiteboards, etc. The notion behind "inviting" a conference room to a meeting is to ensure it is available, and if it is, book it in your name so everyone else in your group or organization knows that it is occupied for the specified period."). See Leuf Sidebar 3 in Chapter 7.

Regarding Claim 7, wherein Leuf teaches said method is further comprised of the step of; notifying said attendees of said scheduled meeting time and place (i.e., Leuf discloses an image that includes a send button that will notify attendees of scheduled meeting time and place via e-mail.). See Leuf Figure 7-24.

Regarding Claim 8, Leuf discloses a method, as in Claim 2, wherein said method is further comprised of the step of: notifying said attendees that said desired equipment will be available at said desired meeting room on said scheduled meeting time and date (i.e., Leuf discloses that resources include equipment items that can be construed as equipment by the applicant. As resources are invited all applicants will know they will be available at the desired meeting room.). See Leuf Sidebar 3 within Chapter 7.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are determined to be pertinent.

a) U.S. Patent 4,937,743 teaches dynamic management of a plurality of resources, preferably using a computer system.


b) U.S. Patent 5,124,912 teaches a management routine that compares available dates and times from a data file of user specified meeting invitees and determines potential meeting dates and times.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Bylcw whose telephone number is 571-272-8125. The examiner can normally be reached on weekdays, 8AM-5PM Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRB
4-19-2005


ROMAIN JEANTY
PRIMARY EXAMINER
Art Unit 3623